

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Tonya Holmes Owens,	)	
	)	C/A No. 8:19-1180-MBS
Plaintiff,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
Andrew Saul, Commissioner of	)	
Social Security,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff Tonya Holmes Owens filed the within action on April 23, 2019, seeking judicial review of a final decision of Defendant Commissioner of Social Security Administration denying Plaintiff's claim for disability insurance benefits.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for pretrial handling. On February 14, 2020, the Magistrate Judge issued a Report and Recommendation. The Magistrate Judge determined that the Administrative Law Judge (ALJ) failed to address Listing 14.02A with respect to Plaintiff's severe impairment of lupus. According to the Magistrate Judge, the ALJ's conclusory finding at Step 3 and her failure to analyze the record evidence in the context of List 14.02A precluded the Magistrate Judge from determining whether the ALJ's decision was supported by substantial evidence. The Magistrate Judge recommended that the Commissioner's decision be reversed and remanded for further evaluation. On February 27, 2020, the Commissioner filed a Notice of Not Filing Objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The Commissioner’s decision is reversed pursuant to sentence four of 42 U.S.C. § 405(g) and remanded for further consideration in accordance with this order and the Report and Recommendation.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
Senior United States District Judge

Columbia, South Carolina

March 4, 2020